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JP 2643
Docket No: TDT-01
Application Serial No. 09/675,430 Ext
7/14/03
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on: August 9, 2003

Joseph Fischer
Joseph Fischer, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Timothy J. Tucker et al.
Examiner : Le, Huyen D.
Art Unit : 2643
Docket No. : TDT-01
Serial No. : 09/675,430
Filed : September 29, 2000
For : ELECTROSTATIC SPEAKER AND METHOD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

ELECTION UNDER 35 U.S.C. §121 AND REQUEST FOR
EXTENSION OF TIME UNDER 35 U.S.C. § 1.131(a)

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Docket No: TDT-01
Application Serial No. 09/675,430

This is in response to the Office communication mailed June 26, 2003 for the above-captioned application. That Office Action provided a shortened statutory period of one month. Applicant hereby petitions for a one-month extension of time under 35 U.S.C. § 1.131(a). Enclosed is a \$55.00 payment for said one-month extension in the form of a check.

REMARKS

The Office communication mailed June 26, 2003 indicates that claims 1-33 are subject to restriction, and an election of claims is required. The Applicant hereby elects claims 1-30, designated as "Group I," with traverse, for examination on the merits.

Applicant points out that requiring the restriction of claims is discretionary, and urge that examination of all the claims as filed would not require additional searching, nor place any undue burden on the Patent Office. As MPEP 803 states, both of the following criteria are required for a proper restriction requirement:

- A) the inventions are independent or distinct as claimed, **and**
- B) "There must be a serious burden on the examiner if restriction is required . . .".

Given the nature and number of the claims, it does not appear that a serious burden exists, even if the inventions are considered independent or distinct. Accordingly, reconsideration and withdrawal of the restriction requirement is respectfully requested.

Election/Restriction

In accordance with the restriction requirement, Applicant elects Group I, claims 1-30, with traverse. Applicant cancels claim 31-33 to comply with the restriction requirement.